

**23292. Misbranding of Brumfield's Asthma and Cough Remedy. U. S. v. 8 Bottles and 41 Bottles of Brumfield's Asthma and Cough Remedy. Default decree of destruction. (F. & D. no. 33310. Sample nos. 3343-B, 3344-B.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On August 29, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 large bottles and 41 small bottles of Brumfield's Asthma and Cough Remedy at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about November 27, 1933, by J. P. Brumfield, from Galena, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of chloroform, an antimony compound, a fatty oil, alcohol, glycerin, gum, sugar, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label, both sizes, and wrapper of large size) "For every kind of cough \* \* \* asthma and cough \* \* \* for coughs, asthma, bronchial trouble, croup, whooping cough, flu, cough, chronic cough, lung trouble, miner's cough, short breath, sore throat, relieves paroxysms of \* \* \* whooping cough, makes the phlegm rise easily for consumptives."

On October 9, 1934, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed.

**M. L. WILSON, Acting Secretary of Agriculture.**

**23293. Misbranding of Amenoco Capsules. U. S. v. 9 Packages of Amenoco Capsules. Default decree of condemnation and destruction. (F. & D. no. 33312. Sample no. 7307-B.)**

This case involved a drug preparation, the label of which contained false and misleading claims as to its composition and unwarranted claims as to its alleged curative and therapeutic effects.

On August 29, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine packages of Amenoco Capsules at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about July 20, 1934, by the Purity Drug Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of quinine sulphate (0.86 grains per capsule), aloe, powdered plant material, and essential oils including pennyroyal oil.

The article was alleged to be misbranded in that the statement on the label, "A combination of pennyroyal; tansy; parsley; quinine; rue; ergotin; savin and vegetable oils in soft gelatine capsules", was false and misleading, since the article contained, among other ingredients, aloe. Misbranding was alleged for the further reason that the statements on the label, regarding the curative or therapeutic effects of the article, "Amenoco \* \* \* for the treatment of Menstrual Disorders", were false and fraudulent.

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

**M. L. WILSON, Acting Secretary of Agriculture.**

**23294. Misbranding of Syn-O-Scope outfits and Synex refills. U. S. v. 200 Syn-O-Scope Outfits and 288 Synex Refills. Consent decree of condemnation. Medicine ordered destroyed, and outfits returned to claimant. (F. & D. no. 33394. Sample nos. 11202-B, 11210-B.)**

This case involved Syn-O-Scope outfits, each consisting of a bottle of Synex, an apparatus for its use, and a quantity of refills for the outfits. The labels on the bottles of Syntex and a circular shipped with the outfits contained unwarranted curative and therapeutic claims.

On September 5, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 Syn-O-Scope outfits and 288 Synex refills at Seattle, Wash., alleging that the articles had been shipped in interstate commerce, on or about August 9, 1934, by the Syn-O-Scope Laboratories, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the Synex showed that it consisted essentially of volatile oils including eucalyptus oil, a trace of an alkaloid, alcohol (20 per cent), and water.

The article was alleged to be misbranded in that the designation "Synex", on the bottle label, was false and fraudulent in view of the interpretation given to the term by reason of the reference to the use of the article in the treatment of sinusitis, in the circular, and in that the following statements in the circular were statements regarding the curative or therapeutic effects of the Synex, and were false and fraudulent: "Syn-O-Scope \* \* \* For \* \* \* Catarrh of The Nasal Passages Directions: Unscrew the cap where hose is attached to Syn-O-Scope. Allow 15 to 20 drops of medicant to flow into the sponge within the barrel. Replace cap. Then, merely place the tip in the nostril, holding it in position by the hand. Grasp the mouth-piece between the lips and blow. Use the amount of pressure suitable to your own case, but not too hard at first. The harder you blow, the deeper the medicated vapor reaches into the nasal cavities. Each day of active use add 3 to 5 drops of medicament (Syntex) to the sponge \* \* \* The body's first line of defense against diseases of the respiratory tract is the mucus membrane covering those parts. Syn-O-Scope helps to preserve intact these membranes. The unhealthy condition of these membranes in the head cold makes it easier for 'secondary invading bacteria' to gain a foothold. It is for this reason that colds 'develop into' pneumonia, diphtheria, scarlet fever, etc. The germs for these diseases may always be present, but a healthy mucus membrane is able to combat their growth and protect the body. \* \* \* restores the body's first line of defense against the ever-present disease germs which are always waiting for an opening. \* \* \* Sinusitis: The first extension of the head cold produces much feared sinusitis. The sinuses are big air-filled chambers leading from the nasal cavities proper. Normally there is a constant drainage from these cavities through tiny channels into the nasal spaces. A catarrhal swelling of the membrane closes these channels and blocks the drainage. The pressure in the sinus rises and the stuffy, dull sinus headache is established. The warm medicated vapor of Syn-O-Scope shrinks down this congested mucus membrane; the channels are again opened and drainage is restored. This explains why Syn-O-Scope is largely acclaimed by those who use it in sinus trouble. Hay-fever and asthma: These conditions are generally due to an altered response of the body to some protein substance for which the unfortunate sufferer has become over-sensitive. The rational cure for these ailments should be the discovery of this particular protein and the desensitization of the body for it. This beautiful theory actually works in about one-third of the cases. Every sufferer of these troubles should make the attempt at such a cure. But the great majority of hay-fever and asthma sufferers must depend on 'non-specific' means for relief. Syn-O-Scope is the simplest, most direct and most rational of these non-specific methods. Every hay-fever and asthma sufferers should have a Syn-O-Scope at hand. Influenza: Invariably the port of entry by which Influenza invades the system is the nasal and throat passages. When once established in the system it runs its inevitable course. Protection is the word. We cannot all go about wearing gas masks, but we can maintain a barrage against these disease germs by systematic use of Syn-O-Scope, thus maintaining an active and healthy state in the nasal passages. Catarrh: The soft delicate lining of the nasal cavities must be kept moist. It cannot tolerate drying. A provision for a continuous moisture supply has been made in the countless tiny mucus glands which are thickly scattered throughout the surface of this membrane. Sometimes, even in the absence of infection, these glands become chronically over-active and maintain a secretion far in excess of that required for normal moisture. This results in the chronic catarrhal state so often met with. The excess fluid accumulates on the surface and eventually drops backward into the throat, reproducing the irritating catarrhal cough which wears down the health without serving any good purpose. There is often an accompanying nasal discharge. Frequently these discharges undergo bacterial decomposition within the head cavities, resulting in halitosis or bad breath. The astringent properties of Synex are effective in depressing these mucus glands; its soothing properties will eventually restore normal tone and secretions to these catarrhal membranes, relieving at once the cough distress and halitosis."

On September 25, 1934, Lorado R. Snell, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the out-

fits be delivered to the claimant after the medicine contained therein was removed and destroyed, and that the refills be also destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23295. Adulteration and misbranding of Booth's Hyomei. U. S. v. 4 Booth's Hyomei Pocket Inhaler Outfits and 23 Booth's Hyomei Refills. Default decree of condemnation and destruction. (F. & D. no. 33395. Sample no. 10829-B.)**

This case involved a drug preparation the labels of which contained unwarranted curative, therapeutic, and antiseptic claims.

On September 10, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 Booth's Hyomei Pocket Inhaler Outfits and 23 Booth's Hyomei Refills at Portland, Oreg., alleging that the articles had been shipped in interstate commerce, on or about March 21 and July 3, 1934, by the McCullough Drug Co., from Lawrenceburg, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Booth's Hyomei \* \* \* An Antiseptic Breathing Treatment \* \* \* Booth's Hyomei Company Sole Distributors Ithaca, N. Y., Toronto, Ont."

Analysis showed that the liquid consisted essentially of volatile oils including eucalyptus oil (70 percent), alcohol, and liquid petrolatum. Bacteriological examination showed that neither the liquid nor its vapor was antiseptic.

Adulteration was alleged in that the strength of the inhaler material fell below the professed standard under which it was sold, namely, (carton) "An Antiseptic Breathing Treatment", since it was not antiseptic.

Misbranding was alleged for the reason that the statement on the carton label, "An Antiseptic Breathing Treatment", was false and misleading. Misbranding was alleged for the further reason that the bottle label, carton, and circulars shipped with the articles, contained false and fraudulent representations regarding its effectiveness in the treatment of catarrh of the head and throat, hay fever, catarrhal coughs, bronchitis, croup, spasmodic croup, bronchial catarrh, catarrhal laryngitis, stuffed-up head, hoarseness, husky voice, raw and inflamed membrane of the nose and throat, protracted or frequent colds, snuffles, difficult breathing or tightness of the chest, catarrhal coughs and colds of children, and weak and hoarse voice.

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23296. Misbranding of Mixer's Cancer and Scrofula Syrup. U. S. v. 5 Bottles of Mixer's Cancer and Scrofula Syrup. Default decree of condemnation and destruction. (F. & D. no. 33397. Sample no. 6140-B.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On September 10, 1934, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five bottles of Mixer's Cancer and Scrofula Syrup at Columbia, S. C., alleging that the article had been shipped in interstate commerce, on or about July 10, 1934, by the Mixer Medicine Co., from Hastings, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium iodide (2.5 grams per 100 milliliters), extracts of plant drugs including a laxative drug, sugar, alcohol, and water, flavored with methyl salicylate.

The article was alleged to be misbranded in that the statements on the carton and bottle label, and in the booklet shipped with the article, concerning its curative and therapeutic effects in the treatment of cancer—including cancer of the lip, nose, face, eye, forehead, cheek, chin, eyebrow, ear, neck, tongue, shoulder, breast, womb, and knee—scrofulous affections, erysipelas, St. Anthony's fire, tinea capitis, scaldhead, milk crust, salt rheum, ringworm, tetter, tumors, ulcers, boils, pustules, blotches, pimples, catarrh, laryngitis, bronchitis, dyspepsia, piles, fistula, diseases peculiar to the glandular and assimilative systems, scrofula and kindred diseases, abscesses, all blood diseases, sores, fever sores, goiter, eruptions, malignant conditions or growths, rheumatism, eczema, cancerous tumor, chronic ulcer, running sore, ulcers in the throat, asthma, catarrh of the stomach, enlarged glands, tuberculosis of the bones, sore eyes, blindness, car-